

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Jesus Razo,) No. CV 08-1106 PHX-NVW (JM)
10 Petitioner,) **ORDER**
11 v.)
12)
13 Warden Blair, et al.,)
14 Respondents.)

15 Pending before the court is the Report and Recommendation (“R&R”) of Magistrate
16 Judge Marshall (Doc. # 33) regarding petitioner’s Petition for Writ of Habeas Corpus filed
17 pursuant to 28 U.S.C. § 2254 (Doc. # 1). The R&R recommends that the Petition be denied
18 and dismissed with prejudice. The Magistrate Judge advised the parties that they had ten
19 days to file objections to the R&R. (R&R at 24 (citing 28 U.S.C. § 636(b)). By order of
20 March 3, 2010, the Court extended Petitioner’s time to file objections by 30 days, which
21 expired March 29, 2010. No objections have been filed.

22 Because the parties did not file objections, the court need not review any of the
23 Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1);
24 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
25 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any
26 review at all . . . of any issue that is not the subject of an objection.”). The absence of a
27 timely objection also means that error may not be assigned on appeal to any defect in the
28 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A

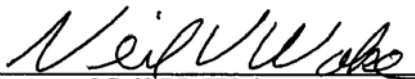
1 party may serve and file objections to the order within 10 days after being served with a copy
2 [of the magistrate's order]. A party may not assign as error a defect in the order not timely
3 objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps*
4 *v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

5 Notwithstanding the absence of an objection, the court has reviewed the R&R and
6 finds that it is well taken. The court will accept the R&R and dismiss the Petition. *See* 28
7 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or
8 in part, the findings or recommendations made by the magistrate”).

9 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate
10 Judge (Doc. #33) is accepted.

11 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
12 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. #
13 1). The Clerk shall terminate this action.

14 Dated: April 9, 2010.

15
16 
17 _____
Neil V. Wake
United States District Judge
18
19
20
21
22
23
24
25
26
27
28